

Draft Minutes of the
Delta Protection Commission Meeting
July 24, 2003

Jean Harvie Community Center – 6:30 p.m.

1. Call to Order/Roll Call

Chairman McCarty called the meeting to order at 6:40 p.m.

Present: Chairman McCarty, Ron Brean, Christopher Cabaldon, Robert Calone, Marci Coglianese, Ruth Forney, Kathy Kelly, David Johnson, Don Nottoli, Dwight Sanders, Steve Shaffer, Topper van Loben Sels, and Daniel Wilson.

Absent: Augie Beltran, Banky Curtis, Vice-Chairman Ferguson, Federal Glover, Mike McGowan, and Leroy Ornellas.

2. Public Comments

Chairman McCarty invited those in the audience to address the Commission regarding items not on the agenda. No one addressed the Commission.

3. Minutes of the Last Meeting

Commissioner Coglianese asked that the minutes of the last meeting be changed to reflect that she and Commissioner Cabaldon met with Assemblymember Lois Wolk and not Assembly Subcommittee #3. Commissioner Cabaldon moved approval of the minutes; Commissioner Calone seconded. The minutes were approved by voice vote; Commissioner Johnson abstained.

4. Chairman's Report

Chairman McCarty welcomed Ruth Forney and David Johnson as the newest members to the Commission. Ms. Forney is the Solano County Supervisor and is replacing former Commissioner Skip Thompson. Mr. Johnson is the Acting Deputy Director of the Department of Boating and Waterways and is replacing former Commissioner Bill Curry.

Chairman McCarty announced that this meeting would be the last for Ron Brean. Commissioner Brean will be replaced by Mr. Kirk Sturm who serves as the Northern Field Division Chief of the Department of Parks and Recreation.

The next meeting of the Commission is scheduled for Thursday, September 25, 2003 at 6:30 p.m. Jean Harvie Community Center. Tentatively scheduled items included a Briefing on the North Delta Improvements Project, discussion of the In-Delta Storage Analysis, and Consideration of a New California Bay Delta Authority (CBDA) Memorandum of Understanding.

5. Commissioner Comments/Announcements

Commissioner Coglianese reported that she and Commissioner Cabaldon will attend the National Biosolids Summit to meet with staff of the Environmental Protection Agency and the wastewater industry to discuss local government concerns and interests. In attendance will be a variety of stakeholders including scientists, wastewater industry staff, community groups and NGOs. She reported that they will do their best to advance the Delta's interests.

She also reported that the city of Rio Vista will celebrate the transfer of title of the Army Base to the City of Rio Vista on Friday, August 1, 2003. The base may serve as the home of the newly proposed Bay Delta Science Center Research Station. Scheduled to attend the event are Congressman Doug Ose, Senator Wesley Chesbro, Assemblymember Lois Wolk and top officials from the Base Realignment and Closure Office.

Commissioner Johnson reported on the aquatic weed control program the Department of Boating and Waterways oversees in the Delta—the water hyacinth and egeria densa plants. He said the program is in jeopardy because people with less than 30 months service were provided with a letter of surplus, which means they could be laid off within a 60-120 day period. Because his program is new, 7 of the 15 employees that work in aquatic weed control have been issued a surplus letter. The program is specially funded through the boaters fund, gasoline tax and vessel registration fees. He said these cutbacks would be devastating to the program.

Commissioner Cabaldon announced that the city councils of Sacramento and West Sacramento will have a joint hearing on the proposed Sacramento River Waterfront Master Plan on July 31, 2003. The proposed Master Plan has an implementation plan for recreation, fishing and boating in the north area of the secondary zone.

He also reported that the Regional Water Quality Control Board (RWQCB) agricultural irrigation discharge waiver program has adopted a new program which takes a watershed based approach to meeting the requirements of the Porter Cologne Water Quality Act. This item will come back before the RWQCB in January 2004. He stated the watersheds that are emerging have split the Delta into four areas: Rio Vista, North Delta & Sacramento Valley Watershed; West Delta, and South Delta. Rio Vista, West Sacramento and Clarksburg will be part of a watershed with Tehama, Butte and other parts of the north valley.

Commissioner Brean stated that he has been involved with the Commission for ten years and found the experience to be interesting because its members have diverse backgrounds, perspectives, and sometimes conflicting missions that attempt to work together to put solutions on the table for the long-term future of the Delta. He thanked everyone for their roles on the Commission and allowing him to be a part of it.

6. Attorney General's Report

Dan Siegel reported that there were no significant developments regarding litigation.

7. Executive Director's Report

Margit Aramburu reported that the Delta Resource, Conservation and Delta (RC&D) application was not funded. Announcement of the funding was made by the Secretary of the United States Department of Agriculture (USDA). USDA funded seven new programs—one in California: North Bay Counties. The Delta RC&D is receiving \$10,000 this year to pursue creation of its non-profit board.

American Farmland Trust (AFT) Study of Delta Agriculture held its first advisory committee meeting in June. AFT will have four steering committee meetings. They have a consultant doing mapping and have scheduled public workshops for August 12 and 13, 2003. Invitations to the workshops will be sent out to land owners with parcels of 20 acres or larger in the Legal Delta. The draft report is expected to be released at the end of the year.

The Commission received a commitment of funds from the Department of Boating and Waterways (DBW) of approximately \$225,000 for preparation of a Delta Recreation Master Plan. The funds will be used to hire a consultant to perform portions of the task. Additionally, DPC staff will provide research time to help update information on recreation facilities. DBW is awaiting approval of the State Budget before a contract can be drawn up between DPC and DBW.

The Central Valley Habitat Joint Venture is updating their plan. The consultant preparing the update is Ducks Unlimited and the draft plan is due in September 2003. It will provide technical goals and guidelines that can then be incorporated into new policies/guidelines for wildlife-friendly agriculture.

San Rafael Rock Quarry Hearing—The Commission considered the lawsuit against Dutra's San Rock Rafael Quarry last fall. The suit was brought by the Attorney General and neighboring homeowners. The suit will commence in late July.

DPC staff attended a workshop sponsored by California Urban Water Agencies to discuss techniques to promote appropriate disposal of boating sewage, with the goal of protecting and enhancing Delta water quality.

Ms. Aramburu met with Solano County planning staff to discuss recreation planning and get a general update on county issues. She also met with the Solano County Health Department staff to ensure that the County has notified landowners that no sewage sludge can be placed in the Primary Zone of the Delta.

Ms. Aramburu passed out an article announcing that the Contra Costa County Board of Supervisors has ordered the demolition of unauthorized/unpermitted structures on Salisbury Island. The small island is located in Old River, east of Coney Island and

west of Union Island. She said there are locations in the Delta where there is no regular supervision by planning inspectors or other officials, and as a result of the Salisbury Island situation, a number of other small islands with unauthorized structures are now being investigated. Additionally, the Contra Costa County Board of Supervisors has drafted a "floating vessel" ordinance. This ordinance will require a permit by the county sheriff to moor in the water to preclude isolated areas of floating vessels in pockets of the Delta where there is not a lot of supervision.

Commissioner Cabaldon asked that the draft ordinance be mailed to Commissioners.

8. CALFED Activities and Projects

Ron Ott stated that five political appointees have been appointed to serve on the California Bay-Delta Authority (CBDA). The first meeting will take place in Sacramento on August 14, 2003. Since the new members have to approve up to 100 resolutions, CBDA conducted a workshop to get them up to speed on the approval process. He said that due to lack of an approved contract, work on the Delta Implementation Plan has been put on hold.

Ecosystem Restoration: The first chapter of the implementation plan has been released. The other two chapters will be available later this year. CBDA is planning on integrating the plan fully into the Delta implementation plan which will come before the Commission.

In-Delta Storage: Reengineering alternatives have been suggested to bring the project up to State standards. The feasibility study is scheduled for release followed by a Science Panel Review scheduled for August 2003. The review will look at water quality operations and environmental portions of the plan. It will go to Bay Delta Public Advisory Committee (BDPAC) and the CBDA for review in March 2004.

Environmental Water Account: Environmental Impact Report/Environmental Impact Statement (EIR/EIS) is out. Public workshops will be held in Sacramento starting August 29, 2003 and comments are due by September 2003.

Conveyance: The North Delta Improvements Project draft EIR/EIS is scheduled for release this fall, and the South Delta Improvements Project draft EIR/EIS should be released in June 2004.

The Old River Water Quality Improvement project report is expected to be available in July 2004.

Alternative Screening Report for San Luis Low Point Improvement Project was completed; the EIS /EIR is expected in fall of 2004.

South Delta Fish Facilities Forum: A meeting was held to discuss technical aspects of how to protect fish in the Delta and discuss new technology available in the Delta. Representatives from local agencies, the Stripped Bass Association and fishery agencies attended.

The CBDA Science Program held a workshop on the effects of long term water operations; a report will be released in September 2003. A workshop is scheduled on September 8-9, 2003 on recovery planning for Chinook Salmon, and another workshop of technical review on Environmental Water Account (EWA).

Commissioner Coglianese announced she attended her first CBDA meeting as a representative of Solano County mayors ABAG CBDA task force of the. She said she felt confused about the split between jurisdictional lines. Mr. Ott responded by saying CBDA is trying to set the boundary. As far as the Delta is concerned they will go with the Legal Delta as the region—not including the east side streams. He said they were using the DWR detailed analysis units. Commissioner Coglianese said she's done research on how the line for the Legal Delta was drawn, and felt there was not alot of logic and is trying to get the Rio Vista included.

9. Briefing on CALFED Los Vaqueros Reservoir Expansion Studies

Greg Gartrell of the Contra Costa Water District (CCWD) said that CCWD began looking in 1984 to build a reservoir that included emergency water storage and to improve water quality. In 1988 a bond measure election was held to authorize the district to sell bonds to finance the \$350,000,000 project. CCWD completed environmental documentation, receiving water rights and 404 permits in 1994, and construction was completed in 1998. The 100,000 acre foot reservoir has an intake of 250,000 cubic feet per second. CBDA objectives for an expansion of Los Vaqueros relate to its goal of improving Delta ecosystems water quality and water supply reliability. The five storage CBDA is looking at are as follows: expansion of Shasta reservoir, north of Delta storage, in-Delta storage, upper San Joaquin River, and Los Vaqueros reservoir. Each project is not an alternative to the other because each has its own unique purpose and will be evaluated on its own abilities to meet CBDA goals.

Mr. Gartrell said California is projected to have 60 million residents by 2040 and most of the growth will be in the Central Valley. The purpose of the project is to improve drought supplies and drinking water quality for Bay Area water agencies, and enhance the Delta environment. The Board will place on the March 2, 2004 ballot a proposal asking their customers if they want to move forward. If the response is affirmative, funding is provided, and certain conditions are met, CBDA can proceed with the environmental documentation engineering studies necessary for permitting then move forward with construction. CCWD would not be authorizing and/or funding the project; instead, that will come from CBDA agencies or partners. The conditions that must be met include: (1) improve drought supplies and water quality for CCWD; (2) not increase water rates for CCWD customers; (3) reimburse the financial investment of CCWD customers; (4) provide long-term environmental benefits to the Delta

ecosystem; (5) enhance terrestrial habitat and recreational opportunities; (6) ensure CCWD ownership and control remain; (7) adhere to CBDA's commitment of beneficiaries pay; and not export water to southern California or peripheral canal. Mr. Gartrell further stated that if the vote is negative, then the project stops immediately. This project is the culmination of a 2.5 year effort of over 36 public workshops and \$7 million worth of studies—all of which was funded by the Department of Water Resources.

The project would add a pipeline to the South Bay Aqueduct for drought supplies for Santa Clara and Alameda Water Districts and Alameda Zone 7. It would also add additional pipelines and diversion points in the Delta as well expand the reservoir. During wet years, high quality water would be held/stored for drought periods. There will be no changes to the water supply for any other users in the Delta.

Commissioner Calone asked what type of recreational facilities would be available at the reservoir. Mr. Gartrell said that because Los Vaqueros is a drinking water reservoir and staff is concerned about water quality and security, low impact recreation such as hiking and fishing is available.

Commissioner Johnson asked if CCWD thought about allowing the California Air Resources Board (CARB) 2001 cleaner emission standard motor boats on the reservoir. Mr. Gartrell said that CCWD did consider the idea, however, they decided to stay with the electric motor boats rented at the site because they are cleaner and quieter.

Commissioner Kelly asked if the CALFED draft planning report would have a review period. Mr. Gartrell said they had a review of the report, received a lot of public comments, however, they are still compiling the results. He said the final report should be available by Fall 2003.

Commissioner van Loben Sels asked if any agency is analyzing the combined impact of the increase of water diversion. Mr. Gartrell said they were looking at combining all the impacts of the storage projects together into a cumulative project.

10. Update on the State Budget, Funding for the Delta Protection Commission and Next Steps Regarding the Commission's Future

Ms. Aramburu said the Assembly Budget Subcommittee made a recommendation for a one-year sunset of the Commission, and half of the Commission budget be allocated for the FY03-04; however, the Budget Conference Committee recommended no sunset date, full funding for the Commission to be received in two parts—half budget now and the remainder after the Secretary of Resources submits a report to the Budget Conference Committee. Ms. Aramburu thanked former Senator Patrick Johnston for his work on behalf of and support of the DPC. She also thanked Senator Mike Machado, and Commissioners Beltran, Cabaldon and Nottoli for their efforts and letter writing on behalf of the Commission.

Ms. Aramburu said that she and Chairman McCarty met with Resources Secretary Mary Nichols earlier in July and offered their assistance in preparing the report on the DPC. She announced that the Resources Agency would be receiving a new staff person who will work with the DPC to help meet the requirements of the Legislature. She also said she is trying to set up forum in October 2003 to get input from other agencies and the public. Commissioner Cabaldon reported that many of the members of BDPAC also spoke out about the importance of the DPC.

Chairman McCarty noted that the Commission lacked certain elements of representation relative to the Resources Agency, and that the Commission should consider enhancing elements of representation that are not currently represented on the Commission.

Commissioner Cabaldon suggested that the Commission form a special committee to answer all of the questions for the Secretary of Resources and the Legislature, and amend the work plan to devote a significant amount of its internal resources for the next six months to the task of writing the report. Ms Aramburu that the Commission has been through this type of exercise in the past. She further advised the Commission form a small two-person Ad hoc committee, to allow flexibility in meeting with staff.

Commissioner Cabaldon suggested the Commission set aside the majority of its time during next meeting to ask the ad hoc committee to lay out different scenarios of what the Commission could become in the future. He stated a scenario-based planning approach would allow the Commission to better define its role.

Chairman McCarty commented that the Commission is in a difference place than it was ten years ago, and will be in a different place ten years from now. He questioned whether the Commission was properly set to meet new challenges. He further suggested a smaller committee would be more functional and could get more work done. He said to meet the current challenge, he favored public outreach; taking the Commission meetings on the road to different venues for the next few months; and increasing the frequency of Commission meetings.

Commissioner Brean suggested that the members look at the basic on-going mission of the Commission. He said they should look at how the Commission can best protect agriculture, recreation, and enhance habitat in the Delta. He said the Commission should give legitimate, straightforward answers to the questions its been asked to answer. He suggested the Commission combine and expand upon its Annual Report to the Governor and Legislature, with the report generated from the Secretary of the Resources Agency.

Commissioner Coglianese said she felt that a routine combined report would be perceived as disrespectful and the Commission should "heighten" its efforts at this point.

Commissioner Shaffer said that the Commission had to make sure it received the support of the various State agencies, and noted a January timeline for completion of the report.

Chairman McCarty opened the public hearing; there were no public comments. The public hearing was closed.

It was moved by Commissioner Nottoli and seconded by Commissioner Calone that the Commission appoint a two-person committee. Commissioner Shaffer amended the motion to include making the issue the primary agenda item for the September meeting and conducting public outreach and notice of the meeting to encourage public input. The motion was approved by voice vote.

Chairman McCarty appointed himself and Commissioner Coglianese to the new Ad hoc Committee.

11. Proposed Budget and Work Plan For FY 03-04

Ms. Aramburu stated that DPC funding for Fiscal Years 2003-2004 is approximately \$300,000 from two special funds. She suggested the Commission preliminarily adopt the budget and work plan, subject to reflect the depth and scope of work the Commission is performing.

Commissioner Cabaldon stated that there seem to be questions on the boundary lines of the Scondary Zone within certain cities in the Delta. He stated the Commission needs to address the issue of boundary lines within the Delta and the issue should be reflected in the work plan.

Chairman McCarty commented that the Commission needs to put more effort into the work plan and annual report, and communicate what they are thinking and make sure the efforts are reflected in the documents.

Chairman McCarty opened the public hearing; there were no public comments. The public hearing was closed.

Commissioner Shaffer stated the Department of Food and Agriculture is using the Delta Protection Commission Agriculture Committee to try to develop a Conservation Reserve Enhancement Program for the Delta and he felt it should be included in the work plan.

Chairman McCarty asked that a definition for the different farming categories be added to the work plan, so that everyone has the same definitions when talking about various types of farming being done in the Delta.

Commissioner Kelly asked that the South Delta Improvements Program be listed on the work plan.

Commissioner Wilson moved and Commissioner Calone seconded a motion to adopt the proposed budget and work plan for the Commission and authorize the Executive Director to make modifications to the text of the work plan. The motion was approved by voice vote.

12. Pending Legislation

Karen Morais, Commission staff, briefed the members on legislation impacting the Delta. She said this is the first year of a two-year legislative session. The Legislative Committee began tracking 24 measures; however, they decided to remove the two-year bills and only follow those bills going before the Governor this year. Commissioner Coglianesi announced the bills the Committee is recommending the Commission take a support position on:

- AB 66, Leslie: Riparian Habitat: Adopt-A-Riverway Program
- AB 105 Wiggins: Agricultural Land Preservation
- AB 1014 Canciamilla: Vessels: Abandonment
- AB 1405 Wolk and Harman: California Watershed Protection and Restoration Act

Commissioner Coglianesi added AB 1208 (Cogdill) to the list of bills the Legislative Committee is tracking. This bill deals with conflict of interest for public officials and employees from being financially interested in any contract made by them in their official capacity.

Chairman McCarty opened the public hearing; there were no public comments. The public hearing was closed.

It was moved by Commissioner Cabaldon and seconded by Commissioner Calone that the Commission adopt the recommendations of the Legislative Committee.

13. Adjourn

Chairman McCarty adjourned the meeting at 8:15 p.m.